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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/830,794 | 05/01/2001 | Pramod Kakumanu Reddy | 7332 | 3673 |

27752 7590 10/06/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

BOYER, CHARLES I

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1751

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/830,794

Applicant(s)

Reddy et al

Examiner

Charles Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 17, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

This action is responsive to applicants' amendment and response received July 17, 2003.

Claims 11-30 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

All prior art rejections set forth in paper #6 are withdrawn in view of applicants' amendment and response.

2. Claims 11-13, 16-19, 21-26, and 28-30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Swift et al, US 5,883,065.

Swift et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 1.5% LAS, citric acid, ethoxylated tetraethylenepentamine, and 0.2% protease (col. 17, example IV). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

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In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Claims 11-13, 15-19, and 21-30 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gutierrez et al, US 5,955,415.

Gutierrez et al teach liquid laundry detergents (see abstract). An example of such a composition is a laundry detergent with a surfactant system containing 3.6% LAS, sodium citrate, polyethyleneimine, and 0.7% protease (col. 51, lines 20-45). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

In the alternative, if the HIC value is just outside applicants' presently claimed range, as the word "about" permits some tolerance (see *In re Ayers*, 69 USPQ 109 (CCPA 1946), and *In re Erickson*, 145 USPQ 207 (CCPA 1965)), an HIC value of 10 or 11 may be considered to read on the value of "about 8 to about 9.2" presently claimed. Alternatively, if the range of prior art

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and the claimed range do not overlap, obviousness may still exist if the ranges are close enough that one would not expect a difference in properties (see *In re Woodruff*, 16 USPQ 2d 1934 (Fed. Cir. 1990); *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *In re Aller*, 105 USPQ 233, 255 (CCPA 1955)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cripe et al, US 6,008,181.

Cripe et al teach heavy duty liquid laundry detergents (see abstract). An example of such a composition is a liquid laundry detergent with a surfactant system containing LAS as well as citric acid, fatty acids, ethoxylated tetraethylenepentamine and enzymes (col. 70, example 6). The specific amount of LAS in example 6 is not disclosed, however the broad teachings of LAS in the compositions of Cripe et al overlap those presently claimed. With respect to additional adjunct ingredients required by the present claims, as such ingredients are well known for use in laundry detergents, their inclusion is an obvious choice to one of ordinary skill in the art.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this

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Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

September 29, 2003

A handwritten signature in cursive script that reads "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".